

REMARKS

Claims 16-51 are amended as to form.

Claims 16-51 remain pending in this application.

Responsive to the preliminary determination of lack of unity of the outstanding Official Action, applicants provisionally elect, Group I, claims 16-35 and 40-49, drawn to an adhesive composition, with traverse.

The reasons for traverse follow:

Determination of the lack of unity is possible only when the claims of a different group lack a "special technical feature" relative to another. In the present case, the special technical feature is the adhesive composition common to independent claims 16 and 19.

This adhesive composition comprises:

- a primary part (a carrier) which may be legume starch
- a secondary part,

wherein when the primary part comprises a legume starch, a cereal starch or a tuber starch, then the secondary part may also be a legume starch, but only a native legume starch, not a modified legume starch,

and wherein said legume starches contain less than 1% (dry/dry) of colloidal matter/fibrous residue contents and less than 1% (dry/dry) of protein contents.

The Official Action offers LANE et al. US 4,587,332 ("LANE") and FORAN et al. US 5,454,863 ("FORAN") to show that the

claims lack this special technical feature. However, these publications are misinterpreted.

LANE, for example, discloses a composition comprising pea starch in the primary part of the composition. See, e.g., example 10 of column 22. However, this is an air-classified starch, i.e. starch containing numerous impurities, as evident from LANE, e.g., at column 10 lines 27-35, column 11, lines 43-46, column 12, lines 10-15, and also from the fact that it is similar to the second quality starch B' disclosed in LANE as having more than 1% pentosanes such as hemi-cellulose, e.g., column 8 lines 8-14 and column 12 line 56, and 2-5% proteins, e.g., column 12 lines 56-58.

Thus, the legume starch used in LANE is contrary to the claimed invention, as it contains more than 1% proteins and more than 1% colloidal matter/fibrous residue.

Therefore, the claimed invention is novel over LANE, and LANE cannot teach the special technical feature.

Moreover, FORAN discloses a composition wherein the secondary part only contains a modified or chemically treated starch, such as pea starch (hence, legume starch). See, e.g., column 3, lines 12-14, 20-22 and 35-39 and column 13, line 55 to column 14, line 25.

Thus, FORAN does not disclose a composition wherein the secondary part contains native legume starch.

Therefore, the claimed invention is also novel over FORAN, and FORAN also fails to teach the special technical feature.

Moreover, LANE suggests to the skilled person to use an air classified, thus impure, starch, which teaches away from the claimed invention. And FORAN recommends using a modified starch, which also diverts the skilled from the claimed invention.

Furthermore, in applying the same legal standard with similar claims, the International Search Authority did not determine the unity of invention as lacking. Thus, the Patent Office has the benefit of the search report, but fails to explain why a different legal conclusion was reached.

In light of the above discussion, it is believed to be apparent that the lack of unity determination set forth in the Official Action is improper and must be withdrawn. Favorable action on the merits of all claims 16-51 in their full scope is therefore respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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